

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

December 8, 2006

Attendance:

Robert Clegg, Chairman, Department of Safety

Jerry Tepe, Board of Architects, licensed architect

Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber

Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design

Wayne A. Richardson, NH Building Officials Association, municipal building official

John Tuttle, NH Home Builders Association, Architectural designer - residential

Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

Wes Golomb, NH Vocational Technical School, Laconia, NH

Thomas Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire

Joel Fisher, Board of Engineers, licensed structural engineer

Med Kopczynski, NH Municipal Association

Excused:

Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician

James Petersen, PE, Board of Engineers, licensed mechanical engineer

Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician

Laura A. Black, PE - Board of Engineers, licensed electrical engineer

Absent:

Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

Mark Tibbetts, NH Association of Fire Chiefs, municipal volunteer fire chief

Guests:

J. William Degnan, State Fire Marshal, Division of Fire Safety

Chairman Clegg declared the meeting open with a quorum of Board member present.

GENERAL MEETING:

Adoption of the meeting minutes from November 3, 2006

Tedd Evans made the **Motion** to adopt the meeting minutes from November 3, 2006. **Motion** was **Seconded** by Wayne Richardson. Vote was taken. Minutes were **adopted** by a vote of the Board members.

OLD BUSINESS:

Possibility of Code Amendment to establish a standard definition for potable water for private wells:

Tedd Evans reported that the sub-committee met this morning. Progress is being made and the sub-committee hopes to have some language drafted for the next meeting. They are working closely with some members of DES.

Jerry Tepe asked about the scoping provisions in the Code that this Board deals with - wells are outside of the scope. We deal specifically with buildings - from a legal point - not sure if this is going to cause a problem or not. The Chair will ask for legal recommendation - but the body can still submit a request for legislation/a code amendment.

Discussion of the Modular Home Industry:

A tour of the manufacturing facility is still in order. The Chair will set something up in February or after. The Chair stated that more than likely there will be discussion on what to do on the house (Canfield). The Chair stated that we still need to find a better way for inspecting modular housing. He can attempt to put in a piece of legislation - but only has until 1/17 to do so. The law on Modular says they have to follow the statewide building code and the Residential Code. The Fire Marshal suggested that we take out 'and the Residential Code' because we now have the IRC. John Tuttle asked if they had to submit a fee to the State. Chairman said yes and to a third -party independent inspector. Tedd Evans said that at a recent meeting he attended one of the Board members said he knew the building contractor and he was competent, and there might be other issues involved. He asked if it would be prudent to invite the builder in so the Board could hear his side of the story as well. The Chair said yes but would have to adhere to the same 'rules' that the Canfields did on their presentation. Tedd will contact the builder and invite him to next month's meeting.

Med Kopczynski stated that sometimes it is the third party inspectors who are not necessarily qualified or independent. Also these inspections are only done periodically on the manufacturing line. Bill Degnan stated that is basically true. There are 2 requirements that the house be looked at, at least twice while it's on the line. Wayne Richardson said that we need verification from someone who knows the building code requirements, knows what they are looking for. Wes Golomb said he never got a call from any third party while they were doing the inspections regarding Energy Codes. The Chair asked Fire Marshal Degnan if the local building inspector have jurisdiction when something comes into his jurisdiction, or do the inspection stickers that come with the buildings mean that the local guy does not even have the ability to look into them. The Fire Marshal answered that they had the ability to look into it - but do not have the ability to do testing unless there is a reason to justify doing so, 205-C:7 gives them the ability.

Tedd Evans said it's clear that "we" have unqualified people doing inspections in the modular houses. There is a problem with the construction technique and inspection technique. Mike Santa does not think the Board should go back to the Canfield problem. The Chair stated that when the Board does its visit - the third party inspectors will also be there - and they will show how the inspections are done. FM Degnan reported that Maine has a much more stringent program. They require certification of the dealer, the installer and the manufacturers. If any one of them sheds their responsibility the contract form will indicate it. Chair Clegg asked if certification meant licensing. The FM Degnan indicated yes. Chairman Clegg stated that NH already has licensed third party inspectors. These licensed inspectors are not doing the job required of them. Why aren't their licenses being pulled? They should be.

Med Kopczynski said that you as a builder have to separate yourself from what you know. This is a factory. In theory the people on the line building these, do not need to have the levels and skills that a plumber or an electrician would have on an independent building. They are doing a minor activity. Wayne Richardson added that there is a concern that the local authority has no jurisdiction. In Bedford, they require them to provide the Town with a copy of all the building plans, just as they would the Fire Marshal's office. Some of them have told him that they are not going to give them to him - that they did not have to - and to that he replied then you are not getting the permit. It's a matter of double-checking.

The Chair asked the Board members to come back next month with some legislative changes to address any shortcomings the law may have now. John Tuttle asked what the number of modular homes that come into this state every year. The Fire Marshal said it's a few thousand. There are also getting more commercial buildings now as modular's.

Report HUD standards/codes same as the IRC code:

Med reported that the HUD Code is still the document that is utilized. Jerry Tepe asked if they grant acceptance if you comply with the IRC. Med said it seems to indicate that they will.

EXHIBIT 23 - Amendments to Appendix G of the IRC - Swimming Pool, Spas and Hot Tubs:

A Public Hearing was held at the October meeting on this Exhibit. Wayne Richardson made the **Motion** to adopt as an amendment to the state adopted Residential Code - Appendix G, to the 2000 IRC. Tedd Evans **Seconded** the **Motion**. Discussion: Wayne told the board that if this amendment is not adopted, there are no regulations in place regarding residential swimming pools, spas and hot tubs. Seeing no further discussion on this Exhibit, the Chair asked for a vote. Vote taken was **Unanimous** in favor and so declared by the Chair. Marta will incorporate this Exhibit into the Rules, until legislation is passed to ratify it.

NEW BUSINESS:

EXHIBIT 24 - Proposed amendments to the International Plumbing Code 2006:

EXHIBIT 25 - Proposed amendments to the International Mechanical Code 2006:

EXHIBIT 26 - Proposed amendments to the International Energy Conservation Code 2006:

EXHIBIT 27 - Proposed amendments to the International Residential Code 2006:

EXHIBIT 28 - Proposed amendments to the International Building Code 2006:

Tedd Evans reported that Jerry Tepe collated all of the changes from the sub-committees reports into the Exhibits listed above. The sub-committees want to go forward and carry forward only those existing amendments that the Board had already passed, and that is what is contained in these Amendments. The Chair said that a **PUBLIC HEARING** will have to be held on these EXHIBITS. The Board will hold a Public Hearing first - recommendations will be made - that will go forward - and then it will go on to the Legislature. A **PUBLIC HEARING** will be held at the February meeting.

Discussion - State Building Code Boards FAQ Section on website:

After discussion among Board members about inaccurate and non-current issues on the FAQ section, the Chair asked that a sub-committee be formed to go over and address the issues raised in the FAQ Section on the website. Mike Santa will Chair, John Tuttle, Rick Swain, Jerry Tepe and Med Kopczynski and will form the sub-committee and they will consult with the State Fire Marshal.

In the meantime, the FAQ Section will be pulled off the website. The sub-committee will report back by the next meeting in January.

OTHER BUSINESS

Chairman Clegg reported to the Board that Fire Service has come to him and said that they have 2 seats on the Board - and 1 of those seats is always vacant. He has legislation in the works this year - to turn the one volunteer fire chief position - to a full-time fire protection officer. A fire protection officer will actually be very beneficial to the Board as he is the one who actually knows the Code.

Snail mail. A letter was received from All-Ways Accessible Corporation in Concord which deals with residential elevators and residential wheelchair lifts. Some manufacturers are going to be selling them through Home Depot for people to install themselves. They are bringing to the Board attention that there does not appear to be anyone in authority - who will inspect these once installed, and as such, could be one potential hazardous situation. The mail will be sent to all the Board members for review and will be on next months agenda for discussion.

Jerry Tepe advised the Board that the Fire Marshal's office is putting legislation in this session to fund a plans review position. He would like to stay informed of the progress and perhaps the Board may want to consider a letter to support the legislation.

Med Kopczynski reported that Home Builders have approached the International Building Code Board of Directors - they are creating an ANSI standard and will be pro-active as far as energy conservation. As he gets more information on it, he will bring it back to the Board on what it may /may not mean to the State.

ADJOURNMENT

There being no further business, the Chair accepted a **Motion** to adjourn from John Tuttle. Motion was duly **Seconded** declared the meeting adjourned after a **unanimous** vote.